

REMARKS

At the outset, the undersigned notes with appreciation the courtesies extended by Examiner Avellino throughout the telephonic interview conducted on December 1, 2005. During the interview, the Examiner expressed concern that the claim term “associated with” recited in independent claims 1 and 45 in connection with a transmitter and a tangible media object, does not distinguish over the handheld device of Browning, which must allegedly include something to transmit signals corresponding to barcodes from the scan head of the device to the microprocessor (see, items 16 and 28 of Figure 3). While the undersigned disagrees that any such overly broad interpretation would be considered reasonable to one of ordinary skill in the art, especially when read in light of Applicant’s disclosure, the Examiner agreed to enter an amendment filed pursuant to 37 C.F.R. §1.116 in which the language “included” is used in place of “associated,” in claims 1 and 45. As indicated the above amendments, the Examiner’s suggested changes to claims 1 and 45 have been adopted. It is respectfully submitted that the amended subject matter now abundantly distinguishes the claimed invention over the Browning patent.

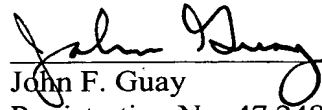
As present claims clearly distinguish over the Browning patent, and all rejections set forth in the final Office Action are based on either Browning taken alone or in combination with other documents, it is believed all pending rejections are overcome.

Also, pursuant to requirements of 37 C.F.R. § 1.75(d) (also see, MPEP § 608.01(o)), the specification is amended to provide clear support or antecedent basis in the description for the subject matter recited in claims 1 and 45 related to a transmitter, and also, for example, subject matter recited in pending dependent claims 33-36, 64, 65. The subject matter added to the specification is supported at least by original claims 32-36, 64 and 65. It is respectfully submitted that the above amendments neither introduce new matter nor present new issues that would require further consideration and/or search.

From the forgoing, it is believed the application is in condition for immediate allowance. Prompt notification of the same is earnestly sought. If, however, the Examiner should discover any residual issues that may have been overlooked, or if any new issues arise preventing immediate allowance of this application and such issues can be resolved by way of a telephone conference, he is urged to contact the undersigned at the number provided

below to arrange such a conference.

Respectfully submitted,


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